

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

- - - - - x

RUBY FREEMAN, et al.,

Civil Action No. 21-3354

Plaintiffs,

Monday, December 11, 2023

vs.

1:35 p.m.

RUDY GIULIANI,

Defendant.

- - - - - x

TRANSCRIPT OF JURY TRIAL - AFTERNOON SESSION
HELD BEFORE THE HONORABLE BERYL A. HOWELL
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR PLAINTIFFS:

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P R O C E E D I N G S

1
2 THE COURT: All right. Ladies and gentlemen, I
3 hope you've had a pleasant lunch, but now that you've been
4 selected and sworn, I'm going to give you some preliminary
5 instructions that will guide you as to how this trial will
6 work and about some of the legal rules that are important in
7 the trial.

8 These remarks are not a substitute for the
9 instructions I will give you at the end of the trial before
10 you start your deliberations. These are preliminary
11 instructions, and they're just intended to give you a sense
12 for what's going to be going on in the courtroom and what
13 your responsibilities as jurors will be.

14 Now, you each found on your chairs when you came
15 back a notebook with a pen inside a plastic bag. That's
16 because I permit jurors to take notes during trial, if they
17 want to, and to have their notes with them during
18 deliberations.

19 None of you is required to take notes. Indeed,
20 you should not take notes if you think that note-taking
21 might distract you from listening to the evidence and
22 watching the depositions or distract your attention in any
23 way from looking at the witnesses.

24 On the other hand, if you think that taking notes
25 might better focus your attention on the witnesses and the

1 evidence or might better help you to remember what went on
2 during the trial, you should feel free to take notes.

3 I leave the decision of whether or not to take
4 notes up to each juror individually because it's my
5 experience that different people have different ways of most
6 effectively recalling and remembering what they've seen or
7 heard.

8 And so some of us do it better just by listening
9 and observing; some of us do it better by taking some notes.
10 If your notebook is more of a hindrance than a help during
11 the trial, just put it under your chair and forget about it.

12 You should remember that your notes are only an
13 aid to help your memory. They are not evidence, and they
14 should not replace your own memory of the evidence.

15 Those jurors who do not take notes should rely on
16 their own memory of the evidence and should not be
17 influenced by another juror's notes. The notes are only for
18 the note-taker's personal use in refreshing his or her
19 memory of the evidence.

20 Now, whenever there's a recess during the course
21 of the trial, just leave your notebooks and the pens in the
22 envelope on your seats. They will be left there during
23 short recesses. And also, when we take an overnight recess,
24 Mr. Coates will collect them and keep them in secure
25 storage. No one, including myself, will ever look at your

1 notes.

2 You will not be able to take your notebooks home
3 with you overnight or at the end of the trial. I'm
4 sometimes asked about that. No, you may not.

5 At the end of the trial, after you have finished
6 your deliberations, returned to the courtroom, and delivered
7 your verdict, your notebooks will be collected and your
8 notes torn out and destroyed. Again, neither I nor anyone
9 else will look at any notes that you have taken during the
10 course of the trial.

11 Now, there are no alternates in this case. This
12 means that all of you are regular jurors and all of you will
13 deliberate in this matter, so it is important that all of
14 you give this case your most serious attention.

15 Now, during the trial you're going to hear me use
16 a few terms that you may not have heard before. Let me
17 briefly explain some of the most common terms to you.

18 The party who sues is called the plaintiff. When
19 I refer to the plaintiffs, I am talking about the plaintiffs
20 Ruby Freeman and Shaye Moss.

21 The party being sued is called the defendant. In
22 this action, when I speak of the defendant, I am referring
23 to Rudolph Giuliani.

24 When I refer to counsel, that's just another way
25 of saying "lawyer."

1 And the plaintiffs' attorneys are Michael
2 Gottlieb, Meryl Governski, John Langford, Von DuBose, and
3 Annie Houghton-Larson.

4 And the defendant's attorney is Joseph Sibley.

5 When I sustain an objection that a lawyer has made
6 to testimony or evidence, I am excluding that evidence from
7 this trial for a good reason. When you have heard that I
8 have overruled an objection, I am permitting that evidence
9 to be admitted and for your consideration.

10 When I say "admitted into evidence" or "received
11 into evidence," I mean that this particular statement or
12 exhibit may be considered by you in making the decisions you
13 must make at the end of the trial.

14 In the event the plaintiffs and the defendant
15 stipulate -- that is, agree to certain facts -- you should
16 consider any stipulation of fact to be undisputed evidence.

17 Now I will briefly describe or state again what
18 this case is about before discussing some of the procedures
19 we will use and some of the rules of law that will be
20 important.

21 This is a civil case. Plaintiffs Ruby Freeman and
22 Wandrea or Shaye -- she calls herself Shaye -- Moss claim
23 that Defendant Rudolph W. Giuliani defamed them,
24 intentionally inflicted emotional distress on them, and
25 engaged in a conspiracy with others to do the same.

1 Plaintiffs served as election workers at the State
2 Farm Arena in Fulton County, Georgia, during the 2020
3 presidential election.

4 Mr. Giuliani is the former mayor of New York City,
5 an attorney who has practiced law for decades, and a current
6 media personality with his own radio shows and podcasts.
7 Mr. Giuliani headed the Trump campaign legal team during
8 former president Donald J. Trump's unsuccessful bid for re-
9 election in 2020 and was part of the campaign to undermine
10 the legitimacy of that election in battleground states like
11 Georgia.

12 Mr. Giuliani publicly and falsely accused
13 plaintiffs of committing various acts of election fraud,
14 including illegally excluding poll watchers under false
15 pretenses, sneaking in and hiding illegal ballots in
16 suitcases under tables, illegally counting ballots multiple
17 times, and passing a USB drive with the intent of changing
18 the vote count in the voting tabulation devices.

19 Ms. Freeman and Ms. Moss allege that
20 Mr. Giuliani's actions have caused them to suffer and
21 continue to suffer extensive emotional and reputational
22 harm, including because Mr. Giuliani's actions made them
23 targets for profane and vile threats.

24 The Court has already determined that Mr. Giuliani
25 is liable for defamation per se, intentional infliction of

1 emotional distress, and civil conspiracy, and that
2 Ms. Freeman and Ms. Moss are entitled to receive
3 compensation, including in the form of punitive damages, for
4 Mr. Giuliani's willful conduct.

5 The only issue remaining in this trial is for
6 the jury, you all, to determine any amount of damages
7 Mr. Giuliani owes to plaintiffs for the damage caused by his
8 conduct.

9 This is a somewhat unusual case because, unlike
10 many other jury trials, in this case certain matters have
11 already been decided. I'm going to explain what has already
12 been decided in this case and what you, the jury, will have
13 to decide.

14 You are not being asked to and you must not
15 reconsider any of the issues that have already been decided
16 in this case. Before I give you instructions about what has
17 been decided, I will tell you the reason.

18 In a federal civil action like this case, parties
19 are entitled to the disclosure of all relevant, non-
20 privileged evidence in the other party's possession or
21 control during a process called discovery. That evidence
22 can include relevant documents and electronically stored
23 information such as defendant's computer files, emails, text
24 messages, online chats, social media accounts, and call
25 logs.

1 Since each party is entitled to obtain the other
2 side's records, all parties to a lawsuit must preserve their
3 records. The federal rules require parties to preserve and
4 produce the records so that there will be a level playing
5 field when plaintiffs try to prove their claims and
6 defendants try to prove any defenses to those claims.

7 In this case, the Court found that Mr. Giuliani
8 willfully refused to comply with his discovery obligations,
9 including by failing to preserve all relevant records and
10 failing to provide plaintiffs with all relevant records.
11 Those records include relevant communications and documents
12 whether stored in a filing cabinet or on a computer or
13 phone.

14 The Court also found that Mr. Giuliani's willful
15 refusal to comply with his discovery obligations caused the
16 plaintiffs prejudice, which means that it harmed their
17 ability to prove their claims.

18 To address the unfairness to the plaintiffs caused
19 by Mr. Giuliani's misconduct in complying with the rules for
20 fair discovery in a federal civil action, the Court has
21 issued certain orders that Mr. Giuliani is liable to
22 plaintiffs on their three claims against him without the
23 plaintiffs having to produce any more evidence than they
24 already have given his failure to produce relevant records.

25 Also under these orders certain facts must be

1 assumed in this case. As I will explain again at the end of
2 the trial, this means that you will be required to assume
3 certain facts in calculating the amount, if any, of awards
4 of compensatory and punitive damages.

5 I will first explain plaintiffs' three claims for
6 which Mr. Giuliani is liable and then instruct you on the
7 facts that must be assumed in this case as you make your
8 determination of any damages owed by Mr. Giuliani to
9 plaintiffs.

10 It has already been established in this case that
11 Mr. Giuliani is liable to plaintiffs for defamation,
12 intentional infliction of emotional distress, and civil
13 conspiracy. It has also been decided that Mr. Giuliani's
14 conduct was willful, and that, as a result, plaintiffs are
15 also entitled to punitive damages.

16 I will explain what each of those terms means in a
17 moment. For now, I want to emphasize that you are not being
18 asked to and must not reconsider any of these matters;
19 instead, your only role is to determine any amount of money
20 damages that Mr. Giuliani owes to plaintiffs in the form of
21 compensatory and punitive damages. In making that
22 determination, you must decide the issues presented to you
23 based on the instructions you receive now and at the end of
24 the case based on the evidence that you have heard and the
25 instructions you have received.

1 So that you understand what has already been
2 decided, I will now describe the elements of each of
3 plaintiffs' claims. The elements describe the necessary
4 conditions for a legally valid claim. These are the
5 elements of each of plaintiffs' three claims that have
6 already been decided.

7 It already has been decided that Mr. Giuliani is
8 liable to plaintiffs for defamation. That means that you
9 must accept, for purposes of this trial, that Mr. Giuliani
10 defamed Ms. Freeman and Ms. Moss by publishing certain false
11 and defamatory statements about them, that Mr. Giuliani
12 published these statements with actual malice, that
13 Mr. Giuliani had no legal right to do so, and that these
14 defamatory statements caused harm to Ms. Freeman and
15 Ms. Moss. These statements are what you will hear referred
16 to today as the actionable statements.

17 The conclusion that Mr. Giuliani published his
18 statements about Ms. Freeman and Ms. Moss means that he
19 personally communicated statements about Ms. Freeman and
20 Ms. Moss to third parties or that he caused other people to
21 communicate the actionable statements to third parties. The
22 conclusion of the actionable statements were false means
23 that they were not true.

24 In this case the Court has already decided that
25 the actionable statements were defamatory. A defamatory

1 statement is one that would tend to injure plaintiffs in
2 their trade, profession, or community standing or lower them
3 in the estimation of the community. In particular, the
4 Court has concluded that the actionable statements falsely
5 accused Ms. Freeman and Ms. Moss of committing crimes. This
6 is a serious type of defamation known as defamation per se.

7 When a defendant commits defamation per se, the
8 defendants need not prove that they were actually injured by
9 the statements; instead, the law presumes that plaintiffs
10 were injured. In this case you may presume that the
11 actionable statements injured Ms. Freeman and Ms. Moss in
12 their trade, profession, and community standing, and lowered
13 them in the estimation of the community.

14 The conclusion that Mr. Giuliani made the
15 actionable statements without privilege to a third party
16 means that he did not have a separate legal right to make
17 them.

18 The conclusion that Mr. Giuliani published the
19 actionable statements with actual malice means that
20 Mr. Giuliani knew his statements about Ms. Freeman and
21 Ms. Moss were false, or he recklessly disregarded whether
22 they were true at the time that he published those
23 statements. In other words, the Court has found that
24 Mr. Giuliani acted at least with a high degree of awareness
25 that the statements were probably false.

1 The Court's finding that Mr. Giuliani caused harm
2 to Ms. Freeman and Ms. Moss means that they suffered harm as
3 a result of the defamation.

4 The Court has also found Mr. Giuliani liable for
5 intentional infliction of emotional distress. That means
6 that you are to accept, for purposes of this trial, that
7 Mr. Giuliani intentionally inflicted emotional distress on
8 plaintiffs by engaging in extreme and outrageous conduct
9 that intentionally or recklessly caused Ms. Freeman and
10 Ms. Moss to suffer severe emotional distress.

11 The Court has also found that Mr. Giuliani engaged
12 in a civil conspiracy to commit the torts of defamation and
13 intentional infliction of emotional distress on or before
14 December 3, 2020, with Donald J. Trump, the Trump 2020
15 presidential campaign's legal team headed by Mr. Giuliani,
16 the One America News network -- called for short OAN -- OAN
17 reporters, and others. That means that Mr. Giuliani agreed
18 with his co-conspirators to commit defamation and
19 intentional infliction of emotional distress and took
20 certain acts in furtherance of that agreement.

21 As a result of this finding, Mr. Giuliani is
22 liable in this case not just for the harm caused by his own
23 actions, but also for the harm caused by the actions that
24 his co-conspirators took in furtherance of the same
25 conspiracy.

1 Now, to address the unfairness to the plaintiffs
2 caused by Mr. Giuliani's willful failure to comply with his
3 discovery obligations, the Court has issued certain orders
4 about what facts must be assumed in this case, including
5 about damages. And I will explain this again at the end of
6 the trial in final instructions that you will have in
7 writing, so if you don't want to try and jot all this down,
8 just listen carefully.

9 You will be required to assume certain facts in
10 calculating any awards of compensatory and punitive damages.

11 You must assume that Mr. Giuliani received
12 substantial financial benefits from his defamation of
13 Ms. Freeman and Ms. Moss.

14 You must assume that Mr. Giuliani was
15 intentionally trying to hide evidence about his financial
16 assets for the purpose of artificially deflating his net
17 worth.

18 You must assume that Mr. Giuliani was
19 intentionally trying to hide evidence about the viewership
20 of his video podcast and his social media reach for the
21 purpose of artificially deflating the reach of his
22 defamatory statements.

23 You must assume that Mr. Giuliani was
24 intentionally trying to hide evidence about the finances of
25 his businesses, Giuliani Communications LLC and Giuliani

1 Partners LLC, for the purpose of shielding his assets from
2 discovery and artificially deflating his net worth.

3 And you must assume Mr. Giuliani's businesses,
4 Giuliani Communications LLC and Giuliani Partners LLC,
5 continue to generate advertising revenue and other income
6 from their operations.

7 Now, as I have explained, your duty in this case
8 is limited to determining any amount of money damages to
9 award plaintiffs. The amount of money awarded to a party in
10 a civil suit like this one is called damages. The Court has
11 already determined that plaintiffs are entitled to an award
12 of two forms of damages, compensatory and punitive.

13 Compensatory damages are the amount of money that
14 will fairly and reasonably compensate plaintiffs for the
15 harm they have suffered. As I will explain in greater
16 detail, in this case that harm is not limited to physical
17 and economic harm, but also may include things like
18 reputational harm, emotional harm, and mental harm.

19 Punitive damages are damages awarded to a
20 plaintiff above and beyond the amount of compensatory
21 damages. Punitive damages are not intended to compensate a
22 plaintiff for the harm that the plaintiff has suffered.
23 Rather, the law permits a jury in a civil case to award a
24 plaintiff punitive damages against a defendant as a
25 punishment for outrageous conduct and to deter others from

1 engaging in similar conduct in the future.

2 I will instruct you in more detail later on the
3 legal standards for how to determine the amount of damages
4 owed. For now I'm just going to give you some general
5 instructions.

6 As to the defamation claim, plaintiffs are
7 presumed to be harmed as a result of the defamatory
8 actionable statements, and thus they are not required to
9 present evidence of the harm they have suffered for you to
10 award damages to compensate them for that harm. You are
11 entitled to consider any such evidence of harm, if it is
12 presented.

13 Plaintiffs' burden in presenting such evidence is
14 only to provide a reasonable basis from which you can
15 estimate the harm to the reputations from the defamatory
16 actionable statements. While you may not engage in
17 speculation or guesswork, you are entitled to approximate
18 plaintiffs' damages based upon the evidence they present.

19 Furthermore, if you decide that the evidence does
20 not fully capture the harm that plaintiffs suffered as a
21 result of the damage to their reputations, you may award an
22 additional amount that using your good judgment and common
23 sense you decide is necessary to compensate them fully for
24 the harm caused to their reputations by the defamatory
25 actionable statements.

1 As to plaintiffs' intentional infliction of
2 emotional distress claim, plaintiffs must show by a
3 preponderance of the evidence that they suffered damages in
4 the form of emotional distress. If you conclude that
5 plaintiffs have shown by a preponderance of the evidence
6 that plaintiffs suffered damages in the form of emotional
7 distress, plaintiffs' burden is then only to provide a
8 reasonable basis from which you can estimate their damages.
9 There is no exact standard or mathematical formula for
10 deciding the compensatory damages to be awarded for this
11 type of harm, nor is the testimony of any witness required
12 about the amount of compensation.

13 While you may not engage in speculation or
14 guesswork, you are entitled to approximate plaintiffs'
15 damages based upon the evidence they have presented. To
16 decide the amount that would fairly and reasonably
17 compensate plaintiffs for emotional distress, you should
18 consider the facts of this case in the light of your
19 experience and common sense.

20 To establish a fact by preponderance of the
21 evidence is to prove that it is more likely so than not so.
22 In other words, a preponderance of the evidence means that
23 the evidence produces in your mind the belief that the thing
24 in question is more likely true than not true.

25 The fact that plaintiffs have filed a lawsuit

1 against Mr. Giuliani does not mean that plaintiffs' evidence
2 is entitled to greater weight than any evidence the
3 defendant may put before you. If, after considering all of
4 the evidence, the evidence favoring the plaintiffs' side of
5 an issue is more convincing to you and causes you to believe
6 that the probability of truth favors the plaintiffs on that
7 issue, then the plaintiffs will have succeeded in carrying
8 the burden of proof on that issue.

9 The term "preponderance of the evidence" does not
10 mean that the proof must produce absolute or mathematical
11 certainty. For example, it does not mean proof beyond a
12 reasonable doubt as is required in criminal cases. For
13 those of you who have sat as a juror in a criminal case, you
14 will have heard of proof beyond a reasonable doubt. That
15 requirement does not apply in a civil case; and, therefore,
16 you should put it out of your mind.

17 Whether there is a preponderance of the evidence
18 depends on the quality, not the quantity, of evidence. In
19 other words, merely having a greater number of witnesses or
20 documents bearing on a certain version of the facts does not
21 necessarily constitute a preponderance of the evidence. If
22 you believe the evidence is evenly balanced on an issue that
23 the plaintiffs had to prove, then the plaintiffs have not
24 carried the burden of proof, and your finding on that issue
25 must be for the defendant.

1 As to the final claim of civil conspiracy, the
2 Court has already determined that Mr. Giuliani acted as part
3 of a civil conspiracy to commit the torts of defamation and
4 intentional infliction of emotional distress on or about
5 December 3, 2020, with Donald J. Trump, the Trump 2020
6 presidential campaign's legal team headed by Mr. Giuliani,
7 the One America News network, OAN, and OAN reporters and
8 others. That means, for purposes of determining damages in
9 this case, that it has already been decided that
10 Mr. Giuliani is liable for the harm caused not just by his
11 own actions, but also for the harm caused by the actions of
12 his co-conspirators taken in furtherance of the conspiracy.

13 Now I'm going to tell you about the parts of the
14 trial.

15 The trial begins with each side having a chance to
16 make opening statements. The opening statements of the
17 lawyers are not evidence, and they're only supposed to be a
18 general statement of what the lawyers expect the evidence to
19 be. They are intended to help you understand the evidence
20 which will be introduced.

21 After the opening statements, plaintiffs'
22 attorneys will present their witnesses in support of its
23 claim. This is called direct examination.

24 When plaintiffs' counsel is finished, defense
25 counsel may ask questions of each witness put on by the

1 plaintiffs. That is called cross-examination.

2 And after cross-examination is finished,
3 plaintiffs' counsel will have an opportunity to do a
4 redirect examination.

5 After the plaintiffs present their evidence, the
6 defendant may call witnesses to the stand and ask questions
7 on direct examination, and plaintiffs' attorneys may cross-
8 examine those witnesses. And, again, the defense counsel
9 will have an opportunity for redirect examination after that
10 cross-examination is done.

11 During the testimony of witnesses you may
12 sometimes hear a lawyer ask a question which contains an
13 assertion of fact inside of the question. For example: The
14 car was going 90 miles an hour, wasn't it, Mr. Witness?
15 Please remember that no matter how sure or confident the
16 lawyer sounds when stating the question, the assertion of
17 fact by the lawyer in the question is not evidence. Only
18 what the witness says in the answer is evidence.

19 So if the witness answers no, then there is no
20 evidence the car was going 90 miles an hour even though the
21 lawyer quite confidently said so. There's only evidence to
22 that effect if the witness answers yes.

23 Now, during the course of this trial you may also
24 hear reference to deposition testimony. A deposition is the
25 testimony of a person taken before trial. Depositions are

1 used by parties in litigation to conduct discovery and to
2 preserve testimony for future use in the case, including at
3 trial.

4 At a deposition, the witness is placed under oath,
5 swears to tell the truth, and lawyers for each side may ask
6 questions. The court reporter is present and records the
7 questions and answers.

8 During the trial you may view certain deposition
9 testimony presented by video. You should give deposition
10 testimony the same fair and impartial consideration you give
11 any other testimony. You should not give more weight or
12 less weight to deposition testimony just because the witness
13 does not testify in person or live here in the courtroom.

14 Now, after all the evidence has been presented,
15 the lawyers for plaintiffs and the defendant will have an
16 opportunity to make closing arguments in support of their
17 case. The lawyers' closing arguments, just like their
18 opening statements, are not evidence in the case; they're
19 only intended to help you understand the evidence.

20 Finally, at the end of all of the evidence and the
21 arguments for both sides, I will give you your final
22 instructions on the law that you are to apply in your
23 deliberations, and then you will retire to consider your
24 verdict. Your verdict must be unanimous.

25 Now I want to speak to you briefly about my job

1 and what your job is; that is, the functions of the judge
2 and the functions of the jury.

3 My responsibilities are to conduct this trial in
4 an orderly, fair, and efficient manner; to rule on legal
5 questions that come up during the trial; and to instruct you
6 about the law that applies in this case.

7 It is your sworn duty as jurors to accept and
8 apply the law as I state it to you. Your job, ladies and
9 gentlemen, is to determine the facts. You and only you are
10 the judges of the facts. You determine the weight, the
11 effect, and the value of the evidence, as well as the
12 credibility or believability of the witnesses. You must
13 consider and weigh the testimony of all witnesses who appear
14 before you and must decide the extent to which you believe
15 any witness.

16 You must pay careful attention to the testimony of
17 all the witnesses because you will not have transcripts or
18 summaries of the testimony available to you during your
19 deliberations. You will have to rely on your memory and on
20 your notes, if you choose to take any. It is your job to
21 resolve any conflicts in the testimony which may occur
22 during the trial and to decide where the truth lies, so
23 please pay careful attention.

24 You may consider only the evidence properly
25 admitted in this case. That evidence includes the sworn

1 testimony of witnesses, exhibits admitted into evidence, and
2 facts stipulated to and agreed to by counsel. You may
3 consider any facts to which all counsel have agreed or
4 stipulated to to be undisputed evidence and also the facts
5 that I will instruct you about as guiding your
6 determinations in this case.

7 You may also draw from the facts you find to be
8 proved such reasonable inferences as seem justified in light
9 of your experience. Inferences are deductions or
10 conclusions that reason and common sense lead you to draw
11 from facts established by the evidence in the case.

12 As I have explained and will repeat to you before
13 your deliberations, there are certain inferences that you
14 must make in this case. You must accept as true all the
15 factual matters already decided in this case as I have
16 explained to you in these instructions. You must also
17 assume certain facts for purposes of the case, and I will
18 repeat those for you in the final instructions so you will
19 have them fresh during your deliberations.

20 Certain things are not evidence and must not be
21 considered by you, and this is a short list of three things
22 that are not evidence.

23 As I mentioned, statements, arguments, questions,
24 and objections by lawyers are not evidence. Testimony that
25 the Court has excluded or told you to disregard is not

1 evidence and must not be considered. And anything you may
2 have seen or heard outside the courtroom is not evidence and
3 must be disregarded. You are to decide this case solely on
4 the evidence presented here in the courtroom.

5 During the trial, if the Court or a lawyer makes
6 statements or asks a question that refers to evidence you
7 remember differently, you should rely on your own memory of
8 the evidence during your deliberations. It is your
9 recollection of the evidence that controls.

10 The lawyers in this case may object from time to
11 time when the other side asks a question, makes an argument,
12 or offers evidence that the lawyer believes is not properly
13 admissible. You must not hold such objections against the
14 lawyer who makes them or the party the lawyer represents.
15 Indeed, it is the lawyers' job and responsibility to object
16 to evidence which he or she believes is not properly
17 admissible under the rules of evidence.

18 If I sustain an objection asked by a lawyer, you
19 should forget about the question because the question is not
20 evidence; and you must not guess or speculate what the
21 answer to the question might have been. If a question is
22 asked and answered and I then rule that the answer should be
23 stricken from the record, you must forget about both the
24 question and the answer that was stricken. You should
25 follow this same rule if it happens that any of the exhibits

1 are stricken.

2 If I overrule an objection to a question, you may
3 consider the answer and treat the answer like any other. It
4 is still up to you to decide how much weight, if any, the
5 answer is entitled to.

6 Now, during this trial I may rule on motions or
7 objections by the lawyers, make comments to lawyers,
8 question witnesses, and instruct you on the law. You should
9 not take any of my statements or actions as any indication
10 of my opinion about how you should decide this case in terms
11 of damages. If you think that somehow I have expressed or
12 even hinted at any opinion as to how you should make your
13 decision about damages, you should disregard it. The
14 verdict in this case is your sole and exclusive
15 responsibility.

16 Now, to ensure fairness, you must follow certain
17 rules about your conduct as jurors.

18 First, you are not permitted to discuss this case
19 with anyone until this case is submitted to you for your
20 decision at the end of my final instructions. This means
21 that until the case is submitted to you, you may not talk
22 about it, even with your fellow jurors. This is because we
23 don't want you making decisions until you've heard all of
24 the evidence and the instructions of law.

25 After I submit the case to you, you may discuss it

1 only when I instruct you to do so and only in the jury room
2 and only in the presence of all of your fellow jurors. It
3 is important you keep an open mind and not decide any issue
4 in the case until after I submit the entire case to you with
5 my final instructions.

6 In addition, you may not talk about this case with
7 anybody else. It should go without saying that you may not
8 write about the case electronically, through any blog
9 posting or other communication, including social networking
10 sites such as Facebook or Twitter/X until you have submitted
11 your verdict and the case is over. This is because you must
12 decide the case based on the instructions I give you and
13 what happens in the courtroom and not on what someone else
14 may have said or told you outside the courtroom.

15 I am sure that when you go home tonight or when
16 you call work to let them know you've been selected for a
17 jury, you may be asked what kind of case you're sitting on.
18 You may respond that you've been selected as a juror in a
19 civil case, but nothing else. Between now and when you are
20 discharged from jury duty, you must not provide to or
21 receive from anyone, including friends, co-workers and
22 family members, any information about your jury service.

23 As I said, you may tell them that you've been
24 selected to serve as a juror on a civil case, and you may
25 tell them how long you anticipate the case will last. You

1 must not give any information about the case itself or the
2 people involved in the case because undoubtedly, if you do
3 that, the person you're speaking to may want to share his or
4 her own opinions about this case or the people involved, and
5 you must not hear that person's opinions, views, or
6 information because all those opinions, views, and
7 information may be wrong and have nothing to do with the
8 evidence that you're going to hear in this case.

9 You must also warn people not to try to say
10 anything to you or write to you about your jury service in
11 this case. This includes face to face or by phone, text, or
12 email or through social media. In this age of electronic
13 communications, I want to stress you must not use electronic
14 devices or computers to talk about this case, including
15 Tweeting, texting, blogging, emailing, posting information
16 on a website or chat room, or any other means at all.

17 Do not send or accept messages, including email or
18 text messages, about your jury service. You must not
19 disclose your thoughts about your jury service or ask for
20 advice on how to decide this case.

21 When the case is over, you may discuss any part of
22 it with anyone you wish; but until then, you may not do so.

23 Second, although it is a natural human tendency to
24 talk with people with whom you may come into contact, you
25 must not talk to any of the parties or their attorneys or

1 any witnesses in this case during the time you serve on this
2 jury. If you encounter people connected with the case
3 outside the courtroom, you should avoid having any
4 conversation with them, overhearing their conversation, or
5 having any contact with them at all.

6 For example, if you find yourself in a courthouse
7 corridor, elevator, or any other location where the case is
8 being discussed by attorneys, parties, witnesses, or anyone
9 else, you should immediately leave the area to avoid hearing
10 such discussions.

11 If you see any of the attorneys or witnesses
12 involved in the case or parties and they turn and walk away
13 from you, they are not being rude. They're merely following
14 the same instruction not to have any contact with the jurors
15 in this case.

16 If you do happen to hear a discussion about the
17 case, you should report that to me as soon as possible just
18 by letting Mr. Coates know.

19 Third, it is unlikely, but if someone tries to
20 talk to you about this case, you should refuse to engage in
21 any conversation about the case and immediately let me know
22 by telling Mr. Coates. Do not tell the other jurors. Just
23 let me know, and I will discuss it with you privately.

24 Fourth, there may be reports in the newspaper or
25 on the radio, Internet, or television concerning this case

1 while the trial is going on. If there should be such media
2 coverage in this case, you may be tempted to read, listen
3 to, or watch it. You must not do so. You must not read,
4 listen to, or watch such reports because you must decide
5 this case solely on the evidence presented in this
6 courtroom.

7 If you are exposed to any press coverage about
8 this case, you must tell me about it immediately by
9 informing Mr. Coates. Again, you should not tell any of
10 your fellow jurors or anyone else. I will speak to you
11 about it privately.

12 Fifth, because you must decide this case based
13 only on what occurs in the courtroom, you may not conduct
14 any independent investigation of the law or the facts in
15 this case or consult with anybody about the case. That
16 means you may not conduct any research in books, newspapers,
17 or through Google searches about anybody involved in the
18 case or what happened in this case.

19 In this electronic age that also means you cannot
20 conduct any kind of research or ask somebody for research.
21 Research includes something even as simple or seemingly
22 harmless as using the Internet to look up a legal term.

23 I want to explain the reasons why you should not
24 conduct your own research or investigation.

25 All parties have a right to have the case decided

1 only on evidence and legal rules that they know about and
2 that they have a chance to respond to. Relying on
3 information you get outside this courtroom is unfair because
4 the parties would not have a chance to refute it, to correct
5 it, or to explain it.

6 Unfortunately, information we get over the
7 Internet or from other sources, including media sources, may
8 be incomplete or misleading or just plain wrong. It is up
9 to you to decide whether to credit any evidence presented in
10 court, and only the evidence presented in court may be
11 considered by you. If evidence or legal information has not
12 been presented in court, you cannot rely on it. Moreover,
13 if any of you do your own research about the facts or the
14 law, this may result in different jurors basing their
15 decisions on different information. Each juror must make
16 his or her decision based on the same evidence and under the
17 same rules.

18 Finally, ladies and gentlemen, do not make up your
19 mind during the trial about what your final decision will
20 be. Keep an open mind. Do not decide any issue in the case
21 until after I submit the entire case to you with my final
22 instructions. Then you and your fellow jurors may discuss
23 the case during deliberations and reach your decision.

24 Your job is to decide this case without prejudice,
25 without fear, without sympathy, without favor, and based

1 only on a fair consideration of the evidence presented in
2 this courtroom. It is for that reason you must completely
3 disregard any press, television, or radio reports that you
4 may read, see, or hear about this matter. If any such
5 reports come to your attention, it is your sworn duty to put
6 it aside and direct your attention elsewhere.

7 Now, at the beginning of the jury selection
8 process you were introduced to the parties in person, and
9 other witnesses were identified to you only by their name
10 being said. I want to emphasize that if at any time during
11 the trial you suddenly think you recognize or might know a
12 witness or someone referred to in the testimony or evidence,
13 you should not tell any other members of the jury. Just let
14 Mr. Coates know, and I will speak to you privately about it.

15 Now, the schedule we're going to follow during the
16 trial is that we will try to start promptly at 9:15 a.m. in
17 the morning. We'll take a short midmorning break and a
18 lunch break from about 12:30 to 1:30 p.m., and then take a
19 midafternoon break and end around 5:00.

20 You will spend most of your time during the trial
21 either in the courtroom or in the jury room. I urge you not
22 to leave your valuables in the jury room, your purses, your
23 wallets, or anything of value. Keep your valuables with
24 you.

25 So thank you very much for your attention, and

1 we're now going to proceed with opening statements starting
2 with plaintiffs' opening statement.

3 Do you want a lapel mic? Would that be easier
4 than holding it?

5 MR. DuBOSE: This is probably easier.

6 THE COURT: Okay. Fine, your preference.

7 MR. DuBOSE: What's in a name? Power, purpose,
8 pride. I represent the plaintiffs in this case, Ruby
9 Freeman and Shaye Moss.

10 My name is Von DuBose. I got my name from my
11 father: Willie Lavon DuBose. Thank goodness they spared me
12 the Willie. We don't have any Willie's here, do we?

13 Okay. But if they had named me Willie Lavon
14 DuBose, Jr., or the second, I would have been very proud to
15 be Willie Lavon DuBose, Jr.

16 Why? Because names are important. It's one of
17 the first thing a child learns. It's their name. Names are
18 important. Names are significant. They often connect us to
19 our family. They sometimes connect us to our homeland.
20 They're descriptive. They often define us. They're
21 important personally. They're important in business.
22 They're often our personal brands in business.

23 Names are how people find us. Names are how
24 people identify us. The great golfer Ben Hogan said, "Your
25 name is the most important thing you own. Don't ever do